

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LEVI STRAUSS & CO.,

Plaintiff,

v.

BRAND X, L.L.C.,

Defendant.

Case No. CV 10-02658 JF

**~~{PROPOSED}~~ FINAL JUDGMENT
AND PERMANENT INJUNCTION**

Plaintiff Levi Strauss & Co. (“LS&Co.”) has filed a Complaint alleging trademark infringement, dilution, and unfair competition under federal and California law against defendant Brand X, L.L.C. (“Brand X”). LS&Co. alleges that Brand X has manufactured, distributed, promoted, and sold denim jeans under the brand name PARISH that violate LS&Co.’s rights in its federally registered Arcuate Stitching Design and Tab trademarks. Brand X denies all of these allegations and consents to entry of judgment to resolve this matter expeditiously.

The Court now enters final judgment based upon the following undisputed facts. Each party has waived the right to appeal from this final judgment and each party will bear its own fees and costs in connection with this action.

I. FACTS AND CONCLUSIONS

A. This Court has subject matter jurisdiction over this lawsuit and personal jurisdiction

1 over Brand X. Venue is proper in this Court.

2 B. LS&Co. owns the following trademarks, which are registered as indicated below.
3 These trademarks are referred to collectively as the “LS&Co. Trademarks.”

4 1. The Arcuate Stitching Design Trademark. LS&Co. owns, among others, the
5 following United States and California registrations for its Arcuate trademark as used on jeans and
6 other casual apparel:

7 a. U.S. Registration No. 1,139,254 (first used as early as 1873; registered
8 September 2, 1980);

9 b. U.S. Registration No. 404,248 (first used as early as 1873; registered
10 November 16, 1943);

11 c. U.S. Registration No. 2,794,649 (first used as early as 1873; registered
12 December 16, 2003);

13 d. California Registration No. 088399 (first used as early as 1873;
14 registered August 24, 1988).

15 2. The Tab Device Trademark. LS&Co. owns, among others, the following
16 United States registrations for its Tab trademark as used on jeans and other casual apparel:

17 a. Registration No. 356,701 (first used as early as September 1, 1936;
18 registered May 10, 1938);

19 b. Registration No. 516,561 (first used as early as September 1, 1936;
20 registered October 18, 1949);

21 c. Registration No. 577,490 (first used as early as September 1, 1936;
22 registered July 21, 1953);

23 d. Registration No. 774,625 (first used as early as May 22, 1963; registered
24 August 4, 1964);

25 e. Registration No. 775,412 (first used as early as October 9, 1957;
26 registered August 18, 1964);

27 f. Registration No. 1,157,769 (first used as early as September 1, 1936;
28 registered June 16, 1961).

1 C. Brand X has manufactured, distributed, promoted, and sold jeans under the brand name
 2 PARISH that display the stitching designs illustrated in Exhibit A (the “Parish Designs”) and the
 3 pocket tabs illustrated in Exhibit B (the “Parish Tabs”).

4 **II. PERMANENT INJUNCTION**

5 It is hereby ordered and adjudged as follows:

6 A. Brand X shall pay the sum of \$45,000.00 to LS&Co. within 15 (fifteen) days of entry
 7 of this Judgment. Payment shall be made by certified check, payable to “Levi Strauss & Co.” and
 8 delivered to LS&Co.’s counsel of record.

9 B. Commencing as of the “So Ordered” date of this Final Judgment and Permanent
 10 Injunction, Brand X, its principals, agents, employees, officers, directors, servants, privies, parents,
 11 subsidiaries, successors, and assigns, and all persons acting in concert or participating with it or under
 12 its control who receive actual notice of this Order, are hereby permanently enjoined and restrained,
 13 anywhere in the world, directly or indirectly, from doing, authorizing or procuring any persons to do
 14 any of the following:

15 1. Manufacturing, licensing, selling, offering for sale, distributing, importing,
 16 exporting, advertising, promoting, or displaying any garment that displays any of the Parish Designs
 17 or Parish Tabs, or any design that is substantially similar to any of the Parish Designs or Parish Tabs.

18 2. Using or filing applications, now or in the future, for the registration of
 19 trademarks, designs, or other intellectual property that is substantially similar to any of the Parish
 20 Designs or Parish Tabs; and

21 3. Assisting, aiding or abetting any person or entity engaging in or performing any
 22 act prohibited by this paragraph.

23 C. If Brand X is found to be in contempt of this injunction by a court of law, it agrees that
 24 it will pay as a liquidated penalty to compensate for attorneys’ fees in this proceeding and in
 25 enforcement proceedings, plus any other non-duplicative penalties or damages arising from the
 26 contempt.

27 D. This Court shall retain jurisdiction for the purpose of making any further orders
 28 necessary or proper for the construction or modification of this Judgment, the enforcement thereof,

1 and/or the punishment for any violations thereof. If LS&Co. commences an action for enforcement of
2 this Judgment, the prevailing party shall be awarded reasonable attorneys' fees and costs from the
3 other party.
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6 DATED: 3/31/11


7 Hon. Jeremy Fogel
United States District Judge

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